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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,980	12/29/2000	Arthur S. Haseltine	437-7	1749

7590 12/10/2003

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EXAMINER

ZURITA, JAMES H

ART UNIT PAPER NUMBER

3625

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,980

Applicant(s)

HASELTINE, ARTHUR S.

Examiner

James H Zurita

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

Preliminary Amendment

A preliminary amendment of 4 October 2001 cancelled claim 5 and added claims 14-21. Claims 1-4 and 6-21 are pending and will be examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 appears to attempt to invoke the sixth paragraph of 35 U.S.C. 112. For sixth paragraph purposes, the claim must include "means for" to recite a claim element as a means for performing a specified function. For purposes of this examination, the claim will be interpreted to *not* invoke the sixth paragraph.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 6-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong (US Patent 6,115,690).

Wong discloses a centralized Business-to-business Internet site that links a plurality of remote merchants who offer merchandise sales, packing, shipping and

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mailing to the purchasing public who may access the site from remote, distributed clients. The central site also permits return of unwanted merchandise according to merchant authorized guidelines. Merchandise may be refunded as return-for-credit, and others, for one or more merchants. The system generates printed/faxed return packing slips for customer use. See, for example, references to Return Merchandise Authorization (RMA), Fig. 22, 23 and related text.

Wong provides for tracking individual merchandise sales. See, for example, Figs. 30-36 and related text. See also references to customer Purchase Orders, customer invoice number, manufacturer identification, in Figs. 22, 23 and related text. See also references to purchase history, Fig. 34 and 35 and related text. Other features of Wong include:

- A central DBMS that handles physical processing of returns of purchased merchandise submitted to a given store location
- the central DBMS's Return Merchandise Authorization permits processing of returns of purchased merchandise.
- the central DBMS's contains merchandise-return information storage means for storing merchandise-return information applicable to merchandise of the merchandisers.

Wong's DBMS storage means includes information on original sales transactions by which a given merchandiser fulfilled or caused fulfillment of orders of merchandise.

Wong discloses merchandise identifiers attached to returnable units of merchandise. See, for example, references to packing slips.

Wong **does not** specifically disclose that the system is “An out-sourced merchandise-return system providing a general store enterprise of the type having distributed store locations with a service to attract the public into any of the store locations who while visiting a given location to utilize the service might also utilize the visit to shop for and purchase unrelated goods at the given store location...”

Wong **does not** specifically disclose

- ...having distributed store locations at which the general store enterprise offers an out-sourced merchandise return service on behalf of the remote merchandisers as well as offers related packing, shipping and/or mailing supplies which are related by virtue of relating to effecting a merchandise return;
- ...wherein said general store enterprise implements said out-sourced merchandise return service in part by provision of merchandise-return information storage *means for* storing merchandise-return information applicable to merchandise of the merchandisers; and
- ...that identifiers are attached during or before order fulfillment wherein the identifiers facilitate research of information in the merchandise-return information storage *means*.
- ...the return system affords the general store enterprise opportunities to attract the distributed purchasing public of the remote merchandisers into its store locations so such public while visiting a given location to utilize the service might also utilize the visit to shop for and purchase unrelated goods at the given store location.

- ...responsive communications include either a positive or negative return decision and, in cases of positive return decisions, further comprise return fulfillment instructions.
- ...responsive communications include either a positive or negative return decision and, in cases of positive return decisions, further comprise an award instruction applicable to the party presenting the return merchandise or else another party, which award instruction can be chosen from any of instant credit, credit provisional that the merchandiser certifies the propriety of the return upon a later date or event, credit honored by a given association of merchants only, a direct refund in cash or equivalent, and/or any combinations thereof.
- ...plurality of remote merchandisers comprise assorted online boutique.
Wong **does not** specifically disclose that the central site
- ... provides merchandise which when purchased is forwarded along with an input record that is associable with further information;
- ...having service affiliations with a network of distributed locations at which the out-source merchandise-return service facilitates an out-sourced merchandise return program on behalf of the remote merchandisers;
- ...wherein said out-sourced merchandise-return service implements said out-sourced merchandise return program in part by provision of merchandise-return information storage *means for* storing merchandise-return information applicable to merchandise of the merchandisers; and

- ...wherein the distributed locations are linked to the merchandise-return information storage *means* by a communications medium and handle physical processing of return merchandise inputted to a given location based on the merchandise-return information extracted from the merchandise-return information storage *means* according to the inputted input record, which merchandise-return information includes return fulfillment instructions that for some merchandisers is likely substantially unvarying and for other merchandisers is likely highly dynamic over time, allowing progressive amendment after amendment with the merchandise-return information storage *means* long after the origination of the original input record.

However, the specific meaning/interpretation of the data loaded onto the server *does not* patentably distinguish the claimed system. Further, the recited statement of intended use, for example, “...*to attract the public into any of the store locations who while visiting a given location to utilize the service might also utilize the visit to shop for and purchase unrelated goods at the given store location...*” *does not* patentably distinguish the claimed system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide any type of data in the system taught by Wong because the subjective interpretation of the data *does not* patentably distinguish the claimed invention.

Wong ***does not*** specifically disclose the use of bar codes or magnetic strips on return slips, which require reading by machines or not as applicable. The use of bar codes and magnetic strips is notoriously well known to those of ordinary skill in the art.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of bar codes and magnetic strips on return slips. One of ordinary skill in the art at the time the invention was made would have been motivated to include the use of bar codes and magnetic strips on return slips, for the obvious reason that the use of bar codes and magnetic strips may decrease the likelihood of human error on input of data into a system. Decreased human error often translates into decreased transaction costs and increased customer satisfaction.

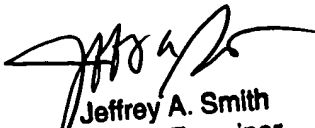
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynne Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1113.

JH
James Zurita
Patent Examiner
Art Unit 3625
26 November 2003


Jeffrey A. Smith
Primary Examiner